

IN THE
SUPREME COURT OF THE UNITED STATES

No. 23-1063 & No. 23-1163

HOME DEPOT U.S.A., INC.,
Petitioner,

v.

BLUE CROSS BLUE SHIELD ASSOCIATION, *et al.*,
Respondents,

&

DAVID G. BEHENNA,
Petitioner,

v.

BLUE CROSS BLUE SHIELD ASSOCIATION, *et al.*,
Respondents.

SUBSCRIBER RESPONDENTS' APPLICATION TO EXCEED WORD LIMIT

May 13, 2024

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RULE 29.6 DISCLOSURE STATEMENT

Hibbett Retail, Inc., f/k/a Hibbett Sporting Goods, Inc., is a subsidiary of Hibbett, Inc. (Nasdaq: HIBB). Blackrock, Inc. (NYSE: BLK), owns ten percent or more of the stock of Hibbett, Inc.

None of the other corporations on whose behalf this application is being filed—
A. Duie Pyle, Inc.; American Electric Motor Service, Inc.; Avantgarde Aviation, Inc.; Barr, Sternberg, Moss, Lawrence, Silver & Munson, P.C.; Bartlett, Inc. dba Energy Savers; CB Roofing LLC; Casa Blanca, LLC; Comet Capital; Conrad Watson Air Conditioning Corporation; Consumer Financial Education Foundation of America, Inc.; Fort McClellan Credit Union; Free State Growers, Inc.; GC/AAA Fences, Inc.; G&S Trailer Repair Inc.; Galactic Funk Touring, Inc.; Gaston CPA Firm, P.C.; Hess, Hess & Daniel, P.C.; Iron Gate Technology, Inc.; Jewelers Trade Shop; Montis, Inc.; Pearce, Bevill, Leesburg, Moore, P.C.; Pete Moore Chevrolet, Inc.; Pettus Plumbing & Piping, Inc.; Pioneer Farm Equipment, Inc.; Rolison Trucking Co., LLC; Sadler Electric; Sirocco, Inc.; Vaughan Pools, Inc.—have a parent corporation and no publicly held corporation owns ten percent or more of the stock of any of them.

SUBSCRIBER RESPONDENTS' APPLICATION TO EXCEED WORD LIMIT

Pursuant to Supreme Court Rules 22 and 33.1(d), the Subscriber Respondents, Subscribers to Blue Cross Blue Shield health insurance plans, respectfully seek leave to file a single combined response, not to exceed 13,000 words in length, to the above-referenced petitions (the "Petitions"). This application is timely under Rule 33.1(d) because the deadline for responding to the Petitions, after a single 30-day extension granted by the Court, is May 29, 2024. Subscriber Respondents respectfully submit that the following facts demonstrate good cause for this request.

The Petitions, which together contain over 17,800 words, both seek review of the same decision by the United States Court of Appeals for the Eleventh Circuit. The Petitions, however, seek review of separate and distinct issues addressed in the decision below, and there is no overlap in the arguments made in the Petitions. The 8,969-word petition in No. 23-1063 (docketed on March 28, 2024), seeks review of a question concerning the scope of a class action settlement release, while the 8,876-word petition in No. 23-1163 (docketed on April 29, 2024) seeks review of two questions concerning an award of attorneys' fees. By Subscriber Respondents' estimate, the "Reasons For Granting The Petition" sections of the Petitions alone add up to over 10,500 words.

In order to respond in a single document to the separate, non-overlapping arguments in the Petitions, Subscriber Respondents estimate that they will need approximately 13,000 words for their response. Subscriber Respondents will continue to make every effort, however, to prepare an efficient response that falls below that

limit.

Subscriber Respondents have reached out to counsel for Petitioners in both No. 23-1063 and No. 23-1163 to ascertain whether they would consent to this request. As of the time of the finalization of this application, neither Petitioner has responded to Subscriber Respondents' inquiry.

For the foregoing reasons, Subscriber Respondents respectfully request that they be granted leave to file a combined response to the Petitions that does not exceed 13,000 words.

Dated: May 13, 2024

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Respectfully submitted,

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